

27703. Canned peaches. (F.D.C. No. 46918. S. No. 846 T.)

QUANTITIES: 156 cases, 24 1-lb. 13-oz. cans each, at Durham, N.C.

SHIPPED: 7-24-61 and 8-10-61, from Gilbert, S.C., by Walter P. Rawl & Sons.

LABEL IN PART: (Can) "Carolina Yellow Free Peaches Halves in Heavy Syrup Packed by Walter P. Rawl & Sons Gilbert S.C."

RESULTS OF INVESTIGATION: Examination showed that the article contained peaches of excessive hardness.

LIBELED: 1-17-62, M. Dist. N.C.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned peaches, since all peach units of the article tested in accordance with the method prescribed in such standard were not pierced by a weight of not more than 300 grams, and its label failed to bear, as prescribed by regulations, a statement that it fell below such standard.

DISPOSITION: 3-5-62. Consent—claimed by Walter P. Rawl & Sons, and released under bond for relabeling.

MISCELLANEOUS FRUIT PRODUCTS**27704. Apple juice.** (F.D.C. No. 46410. S. No. 93-968 R.)

QUANTITY: 44 cases, 12 jars each, at Charleston Heights, S.C.

SHIPPED: 3-8-61, from Lexington, N.C., by Davis Frozen Foods, Inc.

LABEL IN PART: (Jar) "Highland Harvest Pure Apple Juice * * * Contents 1/4 Gallon [or "Contents 1 Quart"]."

RESULTS OF INVESTIGATION: Examination showed that the article was short volume.

LIBELED: 8-28-61, E. Dist. S.C.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 11-30-61. Default—delivered to charitable institutions.

27705. Orange juice. (F.D.C. No. 42470. S. No. 7-066 P.)

INFORMATION FILED: 7-6-59, S. Dist. Fla., against Lester Ivey and Jerry Ivey, partners in the partnership of Osceola Fruit Distributors, Kissimmee, Fla.

SHIPPED: 9-26-58, from Florida to Connecticut.

LABEL IN PART: (Ctn.) "Ivey's King Sun Reconstituted Orange Juice * * * Prepared from Fresh Pure Orange Juice Blended with Reconstituted Fresh Frozen Concentrated Orange Juice * * * One Quart * * * Filled By Osceola Fruit Distributors Kissimmee, Fla. * * * Rich in Vitamin C No Sugar or Preservatives Added."

CHARGE: 402(b)(2)—when shipped, water and sugar had been substituted in part for reconstituted orange juice; 402(b)(4)—water and sugar had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength; 403(a)—the label statements "Reconstituted Orange Juice Prepared From Fresh Pure Orange Juice Blended with Reconstituted Fresh Frozen Concentrated Orange Juice * * * No Sugar or Preservatives added" were false and misleading as applied to a product containing added sugar and added water in excess of that necessary to make reconstituted orange juice; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient of the article.

DISPOSITION: The defendants filed a motion for a bill of particulars which was granted in part by the court. The defendants thereafter entered a plea of nolo contendere and on 10-16-61, the court placed the defendants on probation for 3 years.

PRESERVES

27706. Strawberry preserves. (F.D.C. No. 46513. S. No. 37-204 T.)

QUANTITY: 56 cases, 12 10-oz. jars each, at New Orleans, La.

SHIPPED: 7-24-61, from Atlanta, Ga., by Atlantic Preserving Co.

LABEL IN PART: (Case) "Strawberry Preserves Tiffany Pure Preserves Atlantic Preserving Co., Atlanta, Ga. * * * 911."; (jar top) "Tiffany Pure Strawberry Preserves * * * Packed by Atlantic Preserving Co., Atlanta, Ga."

RESULTS OF INVESTIGATION: Examination showed that the article contained cherries mixed with strawberry preserves.

LIBELED: 10-24-61, E. Dist. La.

CHARGE: 403(g)(1)—when shipped, the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard.

DISPOSITION: 1-17-62. Default—destruction.

27707. Strawberry preserves. (F.D.C. No. 46810. S. No. 43-127 T.)

QUANTITY: 140 cases, 12 jars each, at Philadelphia, Pa.

SHIPPED: 10-24-61, from Brooklyn, N.Y., by General Preserve Co., Inc.

LABEL IN PART: (Jar) "Honeydew Brand Wild Strawberry Preserves" and (jar lid) "Net Wt. 8½ Oz. General Preserve Co., Inc. Brooklyn, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 12-28-61, E. Dist. Pa.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-24-62. Default—delivered to a charitable institution.

27708. Blackberry jelly and blackberry preserves. (F.D.C. No. 46905. S. Nos. 52-764/7 T.)

QUANTITY: 10 cases, 24 jars each, of jelly; and 16 cases, 24 jars each, of preserves, at Seattle, Wash.

SHIPPED: Between 2-23-61 and 8-14-61, from Portland, Oreg., by Oswego Jelly Co.

LABEL IN PART: (Jar) "Oregon Hills Brand Fancy Pure Mountain Wild Blackberry Jelly [or "Preserves"] Net Weight 12 Ozs. Packed by Allan and Allan Dickinson."

RESULTS OF INVESTIGATION: The articles failed to bear the address of the manufacturer. Examination showed that the articles were short weight.

LIBELED: On or about 1-8-62, W. Dist. Wash.

CHARGE: 403(e)—when shipped, the articles failed to bear a label containing (1) the place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents.

DISPOSITION: 2-12-62. Default—delivered to a public institution.